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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,775	08/04/2000	Stanley J. Kostoff, II	04838-060001	2125
26161	7590	03/11/2005	EXAMINER	
FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110			QURESHI, SHABANA	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 03/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/632,775

Applicant(s)

KOSTOFF, II ET AL.

Examiner

Shabana Qureshi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/18/04, 12/2/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's arguments filed on 16 May 2003 have been fully considered but they are not persuasive for the following reasons:

Applicant argues that ~~no~~ Greg fails to teach information likely unique to the received frame (other than the destination address) is transmitted in such an acknowledgement.

Examiner respectfully disagrees with Applicant's allegation. The limitation above is indefinite and therefore can be interpreted in various ways. Examiner suggests that the Applicant distinctly claim the invention to narrow interpretation. Appropriate rejection of the limitation is included below.

Claim Rejections - 35 USC § 112

Claims 1 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation "... information likely unique..." is indefinite in claiming the subject matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gregg et al (U.S. Patent No. 5,948,060).

As per claims 1 and 4, Gregg teaches that in a network of stations interconnected by a transmission medium, a method of operating a station according to a media access control protocol comprises:

- transmitting on a transmission medium (column 1, lines 8-17) a second frame transmission including information from the first frame transmission other than the destination address, the information being likely unique to the first frame transmission for conveying that the second frame transmission is a response to the first frame transmission (column 11, lines 30-35; column 12, lines 6-28, information of response transmission is transmitted on a bi-directional link and includes content identification of the requested information, which is likely unique to the request command).

Gregg does not explicitly state that the first frame has a destination address corresponding to the station. However, this well-known feature is disclosed on page 39 in the International Organization for Standardization document released in 1999¹. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gregg so that the transmitting frame had a destination address because it was a required as a standard feature by the International Electrotechnical Commission, Inc.

¹ "Information technology- Telecommunications and information exchange between systems – local and metropolitan area networks- specific requirements: Part 11: Wireless LAN Medium Access Control (MAC and Physical Layer (PHY) Specifications", International Standard ISO/IEC 1999 edition, Institute of Electrical and Electronics Engineers, Inc., 1999.

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As per claims 2 and 5, Gregg further teaches the method of claims 1 and 3, wherein the first frame transmission includes a frame check sequence (column 8, lines 40-42, a sequence is established) and the information in the second frame transmission includes a received frame check sequence field for specifying at least a portion of the frame check sequence in the first frame transmission and is to be used to determine that the second frame transmission is a response to the first frame transmission (column 8, lines 40-42; figures 3 and 4, column 11, lines 5-67, column 4, lines 45-67, numerical sequence is established including a CRC word in the link control word that is checked at the receiver to test the validity of the link-control word in the incoming frame (column 11, lines 40-42)).

As per claims 3 and 6, The ISO document released in 1999 also discloses on page 42 the use of acknowledgements, which include an indication that a response is expected. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gregg so that the transmitting frame had a destination address because it was a required as a standard feature by the International Electrotechnical Commission, Inc.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shabana Qureshi whose telephone number is (571) 272-3990. The examiner can normally be reached on Monday - Thursday, 9:30 am to 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shabana Qureshi
Examiner
Art Unit 2155

SQ
March 6, 2005


HOSAIN ALAM
PATENT EXAMINER